

**To:** StClair, Christie[StClair.Christie@epa.gov]  
**From:** Ethan Barton  
**Sent:** Thur 4/14/2016 2:36:36 PM  
**Subject:** Re: Superfund and Gold King Mine

Just wanted to remind you my deadline for the updates since the 1994 NYT article is end of business today. Thanks.

On Wed, Apr 13, 2016 at 3:47 PM, Ethan Barton <[ethan@dailycallernewsfoundation.org](mailto:ethan@dailycallernewsfoundation.org)> wrote:

To be clear on my second question: the EPA does not have a plan to immediately protect human health and wildlife if measurements during storm events show contaminates reached dangerous levels. Is that correct?

On Wed, Apr 13, 2016 at 3:16 PM, Ethan Barton <[ethan@dailycallernewsfoundation.org](mailto:ethan@dailycallernewsfoundation.org)> wrote:

Got it, thanks, Christie. I'll use the updated response.

On Wed, Apr 13, 2016 at 3:01 PM, StClair, Christie <[StClair.Christie@epa.gov](mailto:StClair.Christie@epa.gov)> wrote:

Ethan, I've edited the response to #3 a bit to be sure it is very clear. If possible, please use this updated response.

**Christie St. Clair**

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**From:** StClair, Christie  
**Sent:** Wednesday, April 13, 2016 2:56 PM  
**To:** 'Ethan Barton' <[ethan@dailycallernewsfoundation.org](mailto:ethan@dailycallernewsfoundation.org)>  
**Subject:** RE: Superfund and Gold King Mine

Ethan,

The GKM info is below. Please attribute to an agency spokesperson.

Christie

**1. I understand that part of the monitoring plan at the Animas River involves monitoring contaminant levels during storms events. Does this monitoring also include the San Juan River?**

Yes. All monitoring sites are listed in the final plan, which is on the Gold King Mine response site. Here is the document's url: [https://www.epa.gov/sites/production/files/2016-03/documents/post-gkm-final-conceptual-monitoring-plan\\_2016\\_03\\_24\\_16.pdf](https://www.epa.gov/sites/production/files/2016-03/documents/post-gkm-final-conceptual-monitoring-plan_2016_03_24_16.pdf)

You'll find the sites listed on pages 13-15.

**2. Does the EPA have a plan to protect human and wildlife health if that monitoring shows spiked contaminant levels during storm events?**

Historically, the Animas River has an elevated "normal" (pre-event) level of metals independent of the Gold King Mine release, due to the constant supply of acid mine drainage into the river from many sources.

Acid mine drainage has been released into the rivers for many decades and winter runoff and major storms may kick up material that had settled to the bottom of the rivers. So those using the river for recreation, agriculture or drinking water should use the same precautions they always have.

The EPA is currently working with state, local and tribal stakeholders to address long-term solutions, including recently proposing the Bonita Peak Mining District to the National Priorities List (NPL).

There may be occasions when the metal concentrations fluctuate from time to time because of water surges due to heavy rains or other events that may change the water flow rates or volume, but the river system as a whole is being maintained at pre-event conditions. We have released a monitoring plan to determine any longer term impacts and are currently working with local and state stakeholders to implement those efforts.

Here is some additional background on the region you may find useful.

EPA and the Colorado Department of Public Health and Environment (CDPHE) conducted a Superfund Site Assessment of the area in the 1990s. The assessment showed that water quality standards were not achieved in the Animas River near Silverton and identified the severe impacts to aquatic life in the Upper Animas and its tributaries from naturally occurring and mining-related heavy metals. In recognition of the community-based collaborative effort, EPA agreed to postpone adding all or a portion of the site to the Superfund NPL, as long as progress was being made to improve the water quality of the Animas River. Until approximately 2005, water quality in the Animas River was improving. However, since 2005, water quality in the Animas River has not improved and, for at least 20 miles below the confluence with Cement Creek and the water quality has declined significantly. Impacts to aquatic life were also demonstrated by fish population surveys conducted by Colorado Parks and Wildlife, which found no fish in the Animas River below Cement Creek for approximately two miles and observed precipitous declines in fish populations as far as 20 miles downstream since 2005. Because of this declining water quality in the Animas River, in 2008, EPA's Superfund Site Assessment program began investigations in Upper Cement Creek focused on evaluating whether the Upper Cement Creek area alone would qualify for inclusion on the NPL. This evaluation indicated that the area would qualify, although after receiving additional community input, EPA postponed efforts to include the area on the National Priorities List. Since that time, EPA has continued and broadened its investigations of conditions at the site in order to understand the major sources of heavy metal contamination in the Upper Animas. SITE RISK: Mining operations have greatly disturbed the land, adding to existing highly mineralized conditions in many areas of the site. Mineralized waste rock exposed to air and water causes acidic conditions to mobilize the release of heavy metals to the surrounding environment. These heavy metals have found their way into the Animas River and its tributaries and have eventually traveled farther downstream.

**3. How long will it take to complete cleaning at the Bonita Pike Mining District and how much will it cost? Additionally, what are the time and cost estimates to finish cleaning just Gold King Mine and the Animas River?**

Prior to completing a Remedial Investigation and Feasibility Study (RI/FS), EPA will not know what the site's cleanup scope will be, and, therefore, we can't estimate how long cleanup actions will take. At all Superfund sites, the length of time to complete all remediation work depends on a number of site specific factors. For example, it's hard to predict when the RI/FS ~~what year the remedial investigation and feasibility study will be done, how many other Superfund projects sites will be in the queue for funding that year, and whether there will be one or more responsible parties (PRPs) helping pay for the cleanup.~~ We also don't know yet what are all of the problems that need to be addressed, and therefore what the cleanup remedies should be what the exact problems are, and what the remedies should be --- that information, which will be included in the proposed remediation plan ~~remediation proposal, will ultimately help~~ determine project cost and timeline.

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**From:** Ethan Barton [mailto:[ethan@dailycallernewsfoundation.org](mailto:ethan@dailycallernewsfoundation.org)]  
**Sent:** Wednesday, April 13, 2016 10:06 AM  
**To:** StClair, Christie <[StClair.Christie@epa.gov](mailto:StClair.Christie@epa.gov)>  
**Subject:** Superfund and Gold King Mine

Hi Christie,

I'm working on another Gold King Mine story and a separate Superfund story. I'm on deadline for the Gold King Mine story for end of business today and the Superfund story for tomorrow by end of business.

Gold King Mine:

I understand that part of the monitoring plan at the Animas River involves monitoring contaminant levels during storms events.

1. Does this monitoring also include the San Juan River?

2. Does the EPA have a plan to protect human and wildlife health if that monitoring shows spiked contaminant levels during storm events?

2. How long will it take to complete cleaning at the Bonita Pike Mining District and how much will it cost? Additionally, what are the time and cost estimates to finish cleaning just Gold King Mine and the Animas River?

For Superfund:

The New York Times wrote an editorial in 1994 calling Superfund a complete failure, and highlighted the low number of sites cleaned up (then 217), inefficiency, and cost-ineffectiveness, as well as the "interminable litigation that

delays action." (<http://www.nytimes.com/1994/02/07/opinion/not-so-super-superfund.html?scp=2&sq=superfund%20reagan&st=cse>)

How has the EPA made improvements in these areas 22 years later, especially considering the relatively few additional deletions since that editorial (174 more)?

Please let me know if you have any questions or need clarity for on any of these.

Thanks,

Ethan

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Ethan Barton

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